

313 CMR 3.00: REGISTRATION OF WELL DRILLERS AND FILING OF WELL COMPLETION REPORTS

Section

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3.01: General

(1) Authority and Purpose. Division of Water Resources (or Office) promulgates these regulations under authority granted in M.G.L. c. 21 § 11 to administer M.G.L. c. 21, § 16 (persons engaged in business of drilling wells required to register and file certain reports) and St. 1990, c. 150, § 49 (fee for well driller rig permit). 313 CMR 3.00 establishes qualifications for registration, information to be filed upon well completion, registration responsibilities, and criteria whereby a registration can be revoked.

(2) Definitions.

Abandoned Well means productive or non productive well, use of which has been permanently discontinued or has been out of service at least three years, is no longer suitable or used for monitoring purposes, or is a potential hazard to public health or safety and the situation cannot be corrected, such as well construction terminated before completion.

Alteration means changing the structural or hydraulic characteristics of a well, including well deepening, hydrofracturing, well casing extension, replacement, or repair.

Business of Well Drilling means charging a fee or advertising for hire the availability to drill productive or nonproductive wells in Massachusetts. The term 'drilling' shall include both digging and drilling.

Casing means impervious durable pipe placed in a boring to prevent the walls from caving and to serve as a vertical conduit for water in the well.

Decommissioning means plugging of an abandoned well so that it will not serve as a conduit for movement of water to or from the well or between water bearing zones.

Director means Director of Division of Water Resources (or Office) in the Department of Environmental Management.

Division means the Division of Water Resources (or Office) in the Department of Environmental Management.

Drawdown means extent of lowering of the water surface in a well resulting from discharge of water in the well.

Engage in the Business means having a principal financial interest in the firm doing business.

Hydrofracturing means the science of entering a dry or low yield water well with special mechanical or inflatable well packers, used in conjunction with high pressure volume pumps to inject water for cleaning out existing seams and breaking into new aquifers.

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Immediate Field Supervision means providing sufficient onsite direction to the drilling crew and oversight of the drilling operation to ensure compliance with state regulations, municipal codes, and permit requirements on well location, drilling operation, use of equipment, materials, personnel, and quality of workmanship. For productive wells, this includes making certain that any required municipal permit has been obtained and state dig-safe regulations are complied with before starting the drilling operation, as well as performing onsite supervision of drilling startup, setting of casing, installing the protective well seal, and testing for well yield. For nonproductive wells, this includes the registered well driller inquiring with the municipality about regulations, and either obtaining or ensuring that any required municipal permit is obtained before starting the drilling operation, making certain that state dig-safe regulations are complied with, and providing sufficient technical oversight to ensure that guidelines contained in *Standard Reference for Monitoring Wells* (MADEP) are followed.

Municipal Board of Health means the municipal board established in compliance with M.G.L. c. 41, § 21, c. 111, § 26. For purposes of 313 CMR 3.00, board of health includes a department of health established pursuant to M.G.L. c. 111, §§ 26A through 26E.

NonProductive Well means either a well not having sufficient water available for its intended use or a well used for groundwater monitoring purposes or any well installation tool which is left in the ground for more than 48 hours after the installation. Guidelines for locating, drilling, installing, sampling, and decommissioning monitoring wells are contained in *Standard Reference for Monitoring Wells*, prepared by Department of Environmental Protection, Bureau of Waste Site Cleanup.

Productive Well means a well having sufficient water available for its intended use.

Protective Well Seal means device or arrangement which seals the annular space between casing and rock, or between casing and unconsolidated formations, to prevent pollutants from entering the well.

Recovery means the time required after well pumping ceases for the water level in the well to rise to pre-pumping level.

Registered Well Driller means an individual authorized by registration with the Division to engage in the business and supervise the drilling, altering, or decommissioning of wells in Massachusetts, and who signs and submits the well completion report to the Division and the municipal board of health.

Static Water Level means the distance from established ground surface to the stabilized water surface in a well which is neither being pumped nor under the influence of pumping.

Well or Waterwell means any hole or shaft constructed into the ground for the purpose of injecting or extracting water and other fluids, or to monitor groundwater levels and water quality. Not included are wells used on a temporary basis for the purpose of dewatering excavations, stabilizing hillsides or earth embankments, sampling soil vapors, or sampling groundwater if the installation tool is left in the ground less than 48 hours.

Well Completion means a well for which well data required for the well completion report has been obtained and the drilling rig is moved off the site at the end of the drilling operation.

Well Driller means any individual, corporation, company, association, trust, or partnership that drills, constructs, alters, or decommissions a well for a fee, or advertises for hire to provide such services in Massachusetts.

Well Drilling Rig means any power driven, percussion, rotary, digging, jetting, direct push, vibrating, hydrofracturing, or augering machine used in the construction, alteration or decommissioning of a well.

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Well Yield mean the smaller of two well test measurements to determine:

- (a) gallons per minute of water discharged while being pumped over a four hour period; and
- (b) gallons per minute of water discharged after a minimum of 1½ hours of well recovery.

3.02: Registration Requirements

(1) Registration Required. Unless a holder of a certificate of registration in accordance with 313 CMR 3.02, no person shall engage in the business of well drilling in the Commonwealth. This registration requirement does not include wells used on a temporary basis for the purpose of dewatering excavations, stabilizing hillsides or earth embankments, sampling soil gases, or sampling groundwater if the installation tool is left in the ground less than 48 hours.

(2) Requirements for Certificate of Registration. To obtain a certificate of registration, an applicant must show satisfactory evidence that the applicant has attained:

- (a) experience in drilling wells in Massachusetts by being actively engaged in drilling of productive wells in Massachusetts under the immediate supervision of a Massachusetts registered well driller for at least 36 months prior to application date;
- (b) knowledge of well drilling by passing a written general examination, prepared and administered by the National Ground Water Association (NGWA), or by the Division; and
- (c) competency in the drilling of wells sufficient to assume the function and duties of a registered well driller, attested to in a sworn affidavit by a registered well driller who supervised the applicant's work.

(3) Waiver. The Director may waive certain requirements set forth in 313 CMR 3.02(2) when the Division receives satisfactory evidence under one of the following options that the applicant:

- (a) is registered in another state with comparable registration requirements and well drilling conditions, has been registered in that state for a period of at least three years, and is in good standing. If registration requirements are not comparable, the Director shall require at least one year additional experience of being actively engaged in the drilling of productive wells in Massachusetts under the supervision of a Massachusetts registered well driller.
- (b) was previously registered in Massachusetts within two years of receipt of application for reinstatement, and submits payment of fees in arrears as determined by the Director.
- (c) is certified by NGWA as a Certified Well Driller, and beyond NGWA certification requirement, has at least one year additional experience of being actively engaged in drilling productive wells in Massachusetts under the supervision of a Massachusetts registered well driller.

(4) Special Certificate of Registration for Drilling Monitoring Wells Only. An applicant may apply for a special certificate of registration for drilling monitoring wells only if the applicant has either:

- (a) certification as a NGWA Certified Well Driller, including having passed the specialty examination on monitoring well construction; or
- (b) equivalent certification from National Drilling Contractors Association (NDCA) and meeting equivalent qualification requirements.

(5) Temporary Certification. The Director may issue a temporary certificate of registration for administrative purposes, provided the applicant has met qualifications set forth in 313 CMR 3.02(2), 313 CMR 3.02(3) or 313 CMR 3.02(4). A temporary certificate shall be valid for up to 90 days. The fee for a temporary certificate shall be the same as for an annual registration.

3.03: Registration Responsibilities

(1) Registered Well Driller Identification.

- (a) Certificate of Registration. To provide documentation of valid well driller registration with the Division, upon fee payment the Division shall issue a Certificate of Registration containing name, address, and registration number of the registered well driller, type of well drilling for which the registration is valid, annual period of validation, and Director's signature. The Certificate of Registration is nontransferrable, and the registration number shall not be re-assigned if a registration is not renewed.

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(b) Advertisement. Any advertising of availability for hire to drill wells in Massachusetts shall include the name and number of the registered well driller engaged in the business being advertised.

(c) Rig Permit and Rig Markings for Field Identification. For each well drilling rig used to engage in the well drilling business in Massachusetts, a registered well driller shall apply to the Division for a rig permit. Upon fee payment, the Division shall issue a rig identification card and a decal designating the annual period for which the permit is valid. The decal shall be affixed to the well drilling rig for which it is issued; in no case shall a well drilling rig be operated without either the decal affixed or the identification card in the possession of the registered well driller providing immediate field supervision. For field identification, the registered well driller shall display in a conspicuous location on both sides of each well drilling rig the words "Massachusetts Registered Well Driller" or "Massachusetts Registered Monitoring Well Driller" (as specified on the Certificate of Registration), as well as the registration number. Letters in these words shall be at least two inches high. If a registration is not renewed or is revoked, or if a well drilling rig is no longer used by the registered driller, all rig markings referring to Massachusetts registration shall be removed, and any valid identification card returned to the Division.

(2) Immediate Field Supervision. A registered well driller engaged in, or assigned to the business of drilling a well, shall provide immediate field supervision as defined in 313 CMR 3.01(2), or as specified by the municipal board of health.

(3) Well Completion Report. The registered well driller who provided immediate field supervision on drilling of a well shall submit a report to the Division, with a copy to the municipal board of health, within 30 days of well completion. The report shall be on a form furnished by the Division, and shall contain information on well location; well owner name and address; municipal board of health permit; well use; well completion date; casing type, size, length, and depth into bedrock; protective well seal; well depth; depth to bedrock and water bearing zones; well screen and setting; static water level; well yield from productive wells, including drawdown, recovery, and testing method used; drilling log describing materials penetrated; hydrofracturing; well abandonment; and well driller business. The registered well driller who provided immediate field supervision shall sign the report, thereby attesting to information accuracy and completeness. For installation of groups of monitoring wells, the registered well driller shall submit one well completion report containing data on a typical well and noting the number of wells installed in the group, unless individual well completion reports are required by the municipality.

(4) Annual Renewal. A registered well driller shall submit annually to the Division an application for registration and rig permit renewal, accompanied by the registration fee determined by the Commissioner of Administration. The application shall contain the applicant's current address, name of the business for which the applicant is engaged in drilling wells, number of wells drilled under the applicant's supervision during the current registration period, and the applicant's signature. If a registration renewal application is received subsequent to expiration of the annual registration period, the registration fee shall then be twice the established registration fee. Subsequent to renewal, a registered well driller shall notify the Division of any changes in address or business entity.

3.04: Criteria for Revocation of Registration and Penalties

(1) Any activity at variance to any pertinent state or municipal laws, regulations, or codes, or any act or failure to act which endangers public health or safety, shall be considered sufficient criterion for the revocation of registration.

(2) Any well driller who fails to register with the Division and offers services for hire, or any registered well driller who either fails to submit a well completion report in accordance with 313 CMR 3.03(3), submits a false report, or falsifies a registration application, is subject to revocation of registration and a fine of not more than \$300 for each violation.

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(3) Any driller who receives from the Director a written notice of suspension of registration may request a hearing, to be held within 30 days. If a petition for a hearing is not filed within 30 days after notification of suspension, the Certificate of Registration will be automatically revoked.

(4) When a registered well driller fails to renew the registration in a timely manner, the Director may refuse to re-register the driller without holding a hearing. A timely manner is considered 15 days after receipt of a notice of failure to renew by certified mail, return receipt requested.

(5) If a well driller's registration is revoked by the Director, any firm in which the driller has a principal financial interest may not drill wells during the period of revocation.

3.05: Severability

If any provision of 313 CMR 3.00 or their applications is held to be invalid, such invalidity shall not affect any provisions of 313 CMR 3.00 not specifically held invalid.

REGULATORY AUTHORITY

313 CMR 3.00: M.G.L. c. 21, § 11; c. 21, § 16; St. 1990, c. 150, § 49.

NON-TEXT PAGE